

Patent

A2484K-US-NP-XERZ201274US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Telephone Interview Summary	Title: Method and apparatus for enabling distributed subscription services, supplies maintenance, and device-independent service implementation	
	First Named Inventor:	Michael R. Furst
	Application No.:	10/686,751
	Filing Date:	October 16, 2003
	Confirmation No.	8683
	Examiner:	Arvin Eskandarnia
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Art Unit:	2453
	Last Office Action:	June 16, 2011

On or about May 25, 2011, Supervisory Patent Examiner Zele telephoned Mr. Patrick Roche and Mr. Thomas Tillander, two of the representatives of the applicants, to discuss the subject patent application.

SPE Zele indicated that the Examiner, Mr. Arvin Eskandarnia, had been transferred to her art group. Additionally, SPE Zele indicated that the recently filed petition under 37 CFR §1.181 would be denied for being untimely. However, SPE Zele also recognized deficiencies in the previous rejections and asked the representatives of the applicants to consider Fig. 1 and the related text of U.S. Patent Number 7,111,304, which issued to Hand and which the Office was considering applying against the claims of the present application. Mr. Tillander agreed to review the new document and an appointment was set to discuss the new document on June 2, 2011.

On or about May 26, 2011, Mr. Tillander sent SPE Zele and the Examiner an e-mail briefly contrasting the newly identified document ("Hand") with the subject matter of the present application. Additionally, the e-mail pointed out that even if the petition under 37 CFR §1.181 was untimely, the finality of the pending Office Action was nevertheless premature and that the recently filed "Response G" of the applicants requested reconsideration of that finality. Accordingly, the e-mail pointed out, the finality of the recent Office Action should be withdrawn on that basis.

In contrasting Hand with the present application, the e-mail pointed out that the subject matter of the present application seeks to avoid having to write custom communication code for each new or additional product and that Hand appears to feature the requirement to write device specific communication software. For example, it was pointed out that the present application discloses a device model agent. That agent can be reused in conjunction with a plurality of devices. **The device model agent adapts itself to each different product or device by reading the device model for that device** (e.g., see claim 26). In contrast, for example, column 5, lines 13-18 of Hand indicates that in the described implementation, vendors "would have to write code to implement the functions" of device communication (DevComm) classes and may code device specific APIs. Also, at column 3, lines 5 and 6, Hand refers to a device program that includes device specific commands. Accordingly, the e-mail submitted that Hand describes systems and methods that are different than those covered by the claims of the present application.

On or about June 2, 2011, a Telephone Interview was held between Mr. Tillander, Examiner Eskandarnia, SPE Zele and another Examiner, Mr. Andrew Georgandellis. Mr. Tillander again outlined differences between claim 26 and the newly identified document, U.S. Patent Number 7,111,304 to Hand. Mr. Tillander pointed out that, for example, claim 26 of the present application recites *inter alia*: a device model and a device model agent adapted to read the device model, and that no portion of Hand discloses a device model and a device model agent adapted to read the device model. The Examiners drew an analogy between a CIM provider of Hand and the device model agent of the present application. Mr. Tillander asserted that the CIM provider of Hand does not "read" the device specific modules of Hand. Instead, the CIM providers of Hand instantiate instances of classes. Supervisor Zele asserted that this distinction was not recited in the claims. Mr. Tillander asserted that nothing in the claim indicated that the device models were instantiated or were instances of software and further pointed out that the claims **do recite** that the device models are "**read**" by the device model agent. The Examiners reiterated their position.

One of the Examiners asked or suggested that claim 27 be amended to make it clear that the device model is different and the device agent is the same as that recited

in claim 26. Mr. Tillander pointed out that the antecedents of claim 27 already makes that clear since claim 27 recites "a second interchangeable device model" and at least one respective copy of the device model agent. The Examiner agreed to verify that assertion and reconsider the position of the Office based on that verification.

SPE Zele indicated that the finality of the previous Office Action would be withdrawn and that a new non-final Office Action would be issued with the position of the Office clearly articulated. No other agreement was reached. No other claims were discussed.

Later that day, Mr. Tillander sent an e-mail to SPE Zele and Examiners Eskandarnia and Georgandellis thanking them for participating in the above-described telephone interview, referring to the suggestion that a new non-final Office Action would be issued and asking instead, that the points brought to light during the interview be considered and suggesting that the issuance of a notice of allowance might be more appropriate.

Respectfully submitted,

FAY SHARPE LLP

7/5/11
Date

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

July 5, 2011
Date

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